

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Crl.Rev.Pet.No. 634 of 1999()

ST.25/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VARKALA
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REVN. PETITIONER: DEFACTO COMPLAINANT

**S.SUKUMARAN CHETTIAR, SON OF SANKARAN
CHETTIAR, KEEZHCHERI VILAKOM HOUSE,
KARETTE, VAZHAPPALLY, PULIMATH.**

**BY ADV. SRI.SASTHAMANGALAM G.GOPALAKRISHNAN NAIR
SMT.R.BINDU**

RESPONDENTS: ACCUSED AND STATE

- 1. SURESH SON OF PUSHKARAN,
ARCHANA VEEDU, NEAR ONNAMPALAM,
NEDUMGANDA DESOM.**
- 2. STATE REP.BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**BY ADV. SRI.B.JAYASURYA
BY PUBLIC PROSECUTOR SRI.C.K.SURESH**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 20 / 07/2007 , THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K.R. UDAYABHANU, J.

CRL.R.P.NO. 634 OF 1999-A

DATED THIS THE 20th July 2007

ORDER

The revision petitioner is the de facto complainant/Sub Inspector who had initiated the proceedings against the accused, an Advocate for the offence punishable under Section 51(A) of the Kerla Police Act. The allegation is that on 31-12-1996 at about 10.15 p.m.the accused standing in front of the police station behaved in a disorderly manner causing nuisance to the petitioner, pedestrians and neighbours.

2. The evidence adduced in the matter consisted of the testimony of Pws.1 to 4 and Ext.P1. Defence got marked Ext.D1 drunkenness certificate. Under Section 313 statement, the accused had denied the allegation that he had consumed alcohol. According to him, the complainant Sub Inspector is an inimical terms with him. According to him, the Doctor had examined him and written the drunkenness certificate that "no smell of alcohol; not consumed alcohol". The certificate was destroyed and a false certificate was concocted and produced before the court below.

3. The trial court after considering the evidence adduced in the matter found that the allegations stand not substantiated. It was found that the evidence of Pws.1 and 4, the Sub Inspector and the

Police constable did not contain any obscene words allegedly spoken to by the accused. Further more, it appeared that the drunkenness certificate has been substituted as some pages were seen torn away from the book from which the drunkenness certificate was issued. It was also found that the accused, an Advocate is the counsel for the complainants in three private complaints filed against PW1. The main ingredient of the offence under Section 51 A is disorderly or riotous behaviour by the person whether drunk or not. The only evidence in this regard is the version of Pws.1 and 4, the police officials of whom PW1 would be having a grudge against the accused as alleged. In the circumstances and in view of the constraints in exercising revisional jurisdiction against an order of acquittal, I find that the revision is only to be dismissed. Hence the Crl.revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 634 OF 1999-
A
ORDER

20-7-2007